

APPEAL HEARING MINUTES

1. Kind of meeting: Morning Appeal Hearings

2. Date: Jan. 12, 2016 **Place:** Hearings Room

3. Present: Jeff Painter, Christopher Curtis, Judith Napier, Henry Marsh, , SAAG Kristina Stoney, Pam Boggs, Melissa Custis & Kristie Miles

- 10:05 a.m. - Hearing was called to order
 - Bermuda Inn – Ruth Fields, Owner
 - Hill Top Carryout –No Appearance – Read minutes into record
- 10:10 a.m. - Approved and Adopted Board Orders for Board Minutes for December 2015; H. Marsh made the motion, J. Napier, seconded and the vote passed unanimously.
- 10:15 a.m. - Closed session - With no further cases, J. Painter moved that the Board enter closed session pursuant to 2.2-3711(A)(7) to receive advice from counsel; 2nd- H. Marsh - the Board unanimously (Painter, Napier, Marsh) voted to go into closed session. Attendance at closed session was J. Painter, J. Napier, C. Curtis, H. Marsh, SAAG K. Stoney, and P. Boggs.
- 11:00 a.m.. - J. Painter made a motion to return to open session, H. Marsh - 2nd and the Board voted unanimously to go back into open session. The Board then certified by voice vote that nothing was discussed in the closed session but legal matters pursuant to 2.2-3711(A)(7). Vote was unanimous.
 - In the matter of Ben Gui Sushi heard on December 15, 2015, - J. Painter motioned to substantiate the charge but modify the decision of the hearing officer. The privileges of purchasing and selling alcoholic beverages shall be suspended for 25 days, provided however that upon payment of \$1500 as a civil penalty the suspension shall be terminated. The \$1500 civil penalty may be paid in full or upon completion of RSVP training by all employees engaged in the sale and service of alcoholic beverages, paid in two equal installments due payable 30 days apart, within 90 days of the issuance of this order. H. Marsh seconded and the vote was unanimous.
- 11:05 a.m. – With no further business – J. Painter moved to adjourn for the morning, J. Napier - 2nd the vote and the vote was passed unanimously.

AFTERNOON APPEAL HEARING

Present: Jeff Painter, Christopher Curtis, Judith Napier, Henry Marsh , SAAG Kristina Stoney, Pam Boggs, Melissa Custis & Kristie Miles

- 2:05 p.m. - Hearing was called to order
 - Trinity Irish Pub – Paul Buckwalter Esq.
 - Casa Maria – Maria Torres, Licensee
 - Escafe – Todd Howard – Managing Member
- 3:15 p.m. - Closed session - With no further cases J. Painter moved that the Board enter closed session pursuant to 2.2-3711(A)(7) to receive advice from counsel; 2nd- H. Marsh - the Board unanimously (Painter, Napier, Marsh) voted to go into closed session. Attendance at closed session was J. Painter, J. Napier, C. Curtis, H. Marsh, SAAG K. Stoney, and P. Boggs.

- 4:25 p.m. - J. Painter motioned to return to open session, H. Marsh - 2nd and the Board voted unanimously to go back into open session. The Board then certified by voice vote that nothing was discussed in the closed session but legal matters pursuant to 2.2-3711(A)(7). Vote was unanimous.
 - In the matter of Hill Top Carryout – J. Painter motioned to substantiate the charge and modify the decision of the hearing officer as follows: The privileges of purchasing and selling alcoholic beverages shall be suspended for 30 days' provided, however that upon payment of \$3000 as a civil penalty the suspension shall end. H. Marsh 2nd and the vote was unanimous.
 - In the matter of Trinity Irish Pub – J. Painter motioned to substantiate the charges and adopt the initial decision of the hearing officer. The decision was that as to Charge 1, the privileges of purchasing and selling alcoholic beverages shall be suspended for twenty-five (25) days; provided, however, that upon payment of two thousand dollars (\$2,000.00) [\$1,000.00 per license] as a civil penalty, the suspension shall not be imposed. That as to Charge 2, the charge be dismissed. That as to Charge 3, the privileges of purchasing and selling alcoholic beverages shall be suspended for five (5) days; provided, however, that upon payment of five hundred dollars (\$500.00) [\$250.00 per license] as a civil penalty, the suspension shall not be imposed.
The periods of suspension shall run concurrently for a total suspension of twenty-five (25) days. The civil penalties are imposed in the aggregate for a total sum of two thousand five hundred dollars (\$2,500.00) [\$1,250.00 per license]. H. Marsh 2nd and the vote was carried 2 to 1.
 - In the matter of Casa Maria – J. Napier motioned to accept the MBAR as additional evidence; H. Marsh 2nd and the vote was unanimous. J. Painter motioned to substantiate the charge, but modify the decision as follows: The privileges of purchasing and selling mixed beverages granted by the license be suspended for 7 days, provided, however, that upon payment of \$500 as a civil penalty, the suspension shall end. H. Marsh 2nd and the vote was unanimous.
 - In the matter of Escafe - J. Painter motioned to substantiate the charge, but modify the decision as follows: The privileges of purchasing and selling mixed beverages granted by the license be suspended for 30 days, provided, however, that upon payment of \$1000 as a civil penalty, the suspension shall end at the end of 15 days. Additionally, the licensee is required to submit a CPA-audited report of food and mixed beverage sales for the next MBAR report that is due after the date of the Board Order in this matter. H. Marsh 2nd and the vote was unanimous.
 - In the matter of Bermuda Inn – J. Napier motioned to substantiate the charge but modify the decision of the hearing officer. The privileges of purchasing and selling alcoholic beverages shall be suspended for 25 days, provided however that upon payment of \$1500 as a civil penalty the suspension shall be terminated. The \$1500 civil penalty may be paid in full or upon completion of RSVP training by all employees engaged in the service and sale of alcoholic beverages, paid in two equal installments due payable 30 days apart, within 90 days of the issuance of this order. H. Marsh seconded and the vote was unanimous.
- 4:30 p.m. – With no further business – J. Painter moved to adjourn for the day, H. Marsh - 2nd the vote and the vote was passed unanimously.